

MYSORE CONTINGENCY FUND BILL, 1957.

Motion to consider.

Sri T. MARIAPPA (Minister for Finance).—Sir, I beg to move:

“That the Mysore Contingency Fund Bill, 1957, be taken into consideration.”

***Sri B. N. PUJAR** (Ron).—Sir, I rise to a point of order. The present Bill contains some provisions which lie entirely outside the legislative competence of this House.

Clause 4 of the Bill says:

“For the purpose of carrying out the objects of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawal of moneys from, the Contingency Fund of the State of Mysore.”

Clause 2 of Article 283 of the Constitution of India reads thus:

“(2) The custody of the Consolidated Fund of a State and the Contingency Fund of a State, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of the State, their payment into the public account of the State and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature of the State”

It seems to be the intention of the framers of the Constitution that the withdrawals and other matters connected with or ancillary to these matters shall be regulated by an Act made by the Legislature of the State. The present clause 4 of the Bill is outside the legislative competence of this House.

Mr. SPEAKER.—The point that has been raised by the Hon'ble Member Sri Pujar is that the rule-making power of the Legislature cannot be delegated to the State Government. When the State Legislature has power to make rules, it can also delegate this power to the State Government. I do not think there is much point in what the Hon'ble Member Sri Pujar says, because if this Legislature can make rules, it can also delegate that power to the State Government. If the principal has got power to make rules, the principal can also entrust his agent to make rules in this respect. This House has power to scrutinise whether the rules made by the Government are in proper order or not. That power is not taken away. If the Government misbehaves in making these rules, certainly it lies within the competence of this Legislature to withdraw these rules and make fresh rules.

So, there is no point involved in this.

Sri B. N. PUJAR.—If it was the intention of the framers of the Constitution to authorise the State Legislature to delegate the powers of rule-making, they should have stated it clearly under the article itself. But it is not done. The point is specific that the withdrawal should be regulated by law made by the Legislature itself and this power should not be delegated to the Executive Government.

Mr. SPEAKER.—It is not disputed that the power vests in this House to make laws in respect of the Consolidated Fund and the Contingency Fund. What I am driving at is that if the power has been vested in this House to make rules, this House can delegate this power to the State Government. That need not be said in so many words. As the Hon'ble Member who happens to be a lawyer himself knows, if the principal possesses certain powers, the principal is also competent to delegate these powers to his agents.

Sri B. N. PUJAR.—I submit that we are contravening the provisions of the Constitution, Sir.

Mr. SPEAKER.—I cannot see how the provisions of the Constitution are contravened. If the principal has a right, the principal can use that

right. If he thinks that it should be delegated to his agent so that the agent can act on his behalf, the principal can delegate his powers. Motion moved:

“That the Mysore Contingency Fund Bill, 1957 be taken into consideration.”

Sri S. SRINIVASA IYENGAR (T. Narasipur).—I have moved some amendments. I will take it up at the third reading.

Mr. SPEAKER.—After the Bill is considered, the amendments will be taken up at the second reading. We are in the first stage of consideration of the Bill. If there are any remarks to be made, they may be offered at this stage.

Sri S. SRINIVASA IYENGAR.—The Contingency Fund Bill is made in accordance with the Constitution. There will be very little to say on that.

Mr. SPEAKER.—Then I will put it to the House. The question is:

“That the Mysore Contingency Fund Bill, 1957 be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—The Mysore Contingency Fund Bill, 1957 is considered. The Bill will be read, clause by clause. Motion moved:

“That clause 2 stand part of the Bill”.

There is an amendment which may be moved.

Sri S. SRINIVASA IYENGAR.—Sir, I beg to move:

“That in clause 2 for the words ‘one crore of’ the words ‘twenty lakhs’ may be substituted.”

Mr. SPEAKER.—Amendment moved:

“That in clause 2, for the words ‘one crore of’ substitute the words ‘twenty lakhs’.”

*Sri S. SRINIVASA IYENGAR.—Sir, as I have already said, the establishment of the Contingency Fund is in accordance with the provisions of

the Constitution. I have no objection. I also know that whatever is provided under the Contingency Fund, will be spent in an emergency and it will be ratified by appropriate appropriations in the Legislature. If Government has large sums of money at their disposal in the Contingency Fund, they will be tempted to spend more. In my experience, I have seen every year when there was a sum of 30 lakhs of rupees in the Contingency Fund, large sums of money have been drawn from this Fund. This Contingency Fund is almost in the nature of an imprest. When everything is provided under the Budget and every Demand is voted on and every item is provided for, what is the contingency that the Government expects? Further there is provision for re-appropriation of moneys among the sanctioned grants. There has been that provision also. Therefore, for any contingency that the State may have in the coming one month or two months, I believe Rs. 20 lakhs would be enough to be maintained as imprest. Therefore, Government will see no difficulty in accepting this amendment. There is no question of policy here. It is only a question of having some money as imprest. As the Finance Minister has already stated, it is an interim Budget. Because in a matter of one or two months, the new Legislature will discuss every item, vote on every Demand, consider the needs of the Government for the coming year. It is purely an interim measure. Suppose we enact a law stating that the Contingency Fund should be more than Rs. 20 lakhs. It does not bind the Government for ever. They may get it changed by the coming Legislature. Therefore, I suggest that the Government may easily accept my amendment so that we can prevent Government from dealing with large sums of money as they want.

Sri T. MARIAPPA.—I am afraid I am unable to accept the amendment of the Hon'ble Member. The old Mysore State itself had a Contingency Fund of Rs. 30 lakhs as my Hon'ble friend knows. Still he wants by this amendment to restrict the Contingency Fund of the new State to Rs. 20 lakhs. This will show the ridiculous nature of his

(SRI T. MARIAPPA.)

statement. After all, as he is aware, we have to come before the Legislature even if we draw anything from the Contingency Fund. Therefore, there is no harm in constituting a Contingency Fund of Rs. 1 crore for the new State, big as it is.

Mr. SPEAKER.—The question is :

‘That in clause 2, for the words “one crore” substitute the words “twenty lakhs.”’

The motion was negatived.

Mr. SPEAKER.—The question is :

“That clause 2 stand part of the Bill”.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. SPEAKER.—Clause 3. The question is :

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Mr. SPEAKER.—Motion moved :

“That Clause 4 stand part of this Bill.”

There is an amendment. That may be moved.

*SRI S. SRINIVASA IYENGAR.—Sir, I beg to move the following amendment to clause 4. The amendment is :

“Re-number clause as (1) and introduce sub-clause (2) as follows :

“(2) The rules so made shall be placed before both Houses of Legislature and shall come into force subject to changes, if any, made by the Legislature”.

Sir, the Hon'ble Minister is aware that whenever Government was given the power of making rules it was agreed that the rules so made would be placed before both the Houses of Legislature for a certain period, that they

would be subject to scrutiny by the members of both the Houses and that if the members desired any change then Government would incorporate those changes in the rules and bring them into force. That was the accepted principle. But I do not see that principle being implemented in the case of this Bill. This is a Bill by which Government want to draw moneys from the Contingency Fund and they want to have the rule making power in regard to this to themselves. I do not see why Government should not introduce the principle of placing the rules before the Legislature in regard to this before the rules are brought into force. At the commencement of the debate, you, Sir, were pleased to give a ruling about this question. This House is going to delegate its rule making power to Government. When Government make the rules they should place those rules before the House for its approval. There must be a definite provision in the Bill itself for this purpose, but I do not see such a provision in the Bill. I have seen such a provision in other Bills. So I insist that this amendment should be accepted.

SRI T. MARIAPPA.—It is not there in the Finance Bill.

SRI S. SRINIVASA IYENGAR.—I hear the Finance Minister saying that such a procedure is not adopted in the case of the Finance Bill. This is a question of delegation of the rule making power to Government. It is not a question of whether such a procedure is there in the Finance Bill or not. The right of rule making is a sovereign right of this House. Under clause 4 it is being delegated to Government. When we do that, we expect that the rule so made should be placed before the House for its scrutiny.

Mr. SPEAKER.—Amendment moved :

‘Re-number clause 4 as (1) and introduce a sub-clause (2) as follows :

“(2) The rules so made shall be placed before both Houses of Legislature and shall come into force subject to changes, if any, made by the Legislature.”

Sri T. MARIAPPA.—I would like to make it very clear to the Hon'ble Member that there is no need for placing these rules before the House before they become effective, for the purpose of clause 4 is to make such rules "regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawal of moneys from, the Contingency Fund." There is no other point involved in this.

Sri S. SRINIVASA IYENGAR.—Even that is governed by rules.

Sri T. MARIAPPA.—In this clause there is nothing which would affect the rights of either the Hon'ble Member or any one else. It is a question purely connected with or ancillary to the custody of, the payment of moneys into and the withdrawal of moneys from, the Contingency Fund. In all such cases, for ratification they have to come before the House.

Mr. SPEAKER.—The question is :

'Re-number clause 4 as (1) and introduce sub-clause (2) as follows :

"(2) The rules so made shall be placed before both Houses of Legislature and shall come into force subject to changes, if any, made by the Legislature."

The motion was negatived.

Mr. SPEAKER.—The question is :

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. SPEAKER.—Clause 1, Title and Preamble. The question is :

"That Clause 1, and the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri T. MARIAPPA.—Sir, I beg to move :

"That the Mysore Contingency Fund Bill, 1957, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Contingency Fund Bill, 1957 be passed"

The motion was adopted.

MYSORE EXISTING LAWS (CONSTRUCTION OF REFERENCES TO VALUES) BILL, 1957.

Motion to consider.

Sri T. MARIAPPA (Minister for Finance).—Sir, I beg to move :

"That the Mysore Existing Laws (Construction of References to Values) Bill, 1957 be taken into consideration"

Sir, there is not much for me to explain except to say that this Bill is in connection with the introduction of the Naye Paise. This Bill enables us to adjust the old coins with the new coins.

Mr. SPEAKER.—The question is :

"That the Mysore Existing Laws (Construction of References to Values) Bill, 1957, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—As there are no amendments, I will put all the clauses to the House.

The question is :

"That Clauses 2, 3 and 1 and the Title and the Preamble stand part of the Bill."

Sri S. SRINIVASA IYENGAR.—I want to speak on clause 3.

Mr. SPEAKER.—It is too late now. If the Hon'ble Member wanted to speak on clause 3 and if he had informed me that he wanted to speak on clause 3, I would not have put clause 3 along with other clauses. Now it is too late. However, if the Hon'ble Member still feels that he should speak on clause 3 I have no objection.